

Attorney Docket No. C 2576A-COGG
Appl. No.: 10/766,418
Art Unit: 1751

REMARKS/ARGUMENTS

Amendment To The Specification

Applicants respectfully request entry of the amendment to the specification above, adding the cross-reference to the prior co-pending parent application. Applicants note that their claim for priority from the co-pending parent application (USSN 10/278,835, filed October 23, 2002) was acknowledged on the USPTO Filing Receipt for the subject continuing application. Applicants thank the Examiner for bringing the need for this amendment to their attention.

Amendment To The Claims

The claims are amended in the above Listing of Claims to add new claims 24-27 directed to preferred embodiments of the invention. The amendment of the claims adds no new matter.

Support for new claim 24 is found in original claims 4, 7 and 10.

Support for new claim 25 is found in original claim 11.

Support for new claim 26 is found in original claim 12.

Support for new claim 27 is found in original claim 14.

Rejections For Double Patenting of the Obviousness-Type

By paragraphs 4-8 of the subject Office Action, dated September 27, 2004, pending claims 1-23 stand rejected for double patenting of the obviousness-type over the following five commonly owned United States patents: USP 6,666,217, issued December 23, 2003; USP 6,777,384, issued August 17, 2004; USP 6,794,345, issued September 21, 2004; USP 6,797,687, issued September 28, 2004; and USP 6,805,141, issued October 19, 2004. The undersigned Attorney for Applicants notes that the two pending US applications referred to in the Examiner's paragraphs 7

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and 8 have since issued as the US patents. These two applications are, respectively, USSN 10/214,029, filed August 7, 2002 and USSN 10/317,445, filed December 12, 2003.

While not necessarily agreeing with the Examiner that the instant claims are obvious in view of the claims of each of the five commonly assigned US patents, in an effort to expedite prosecution, Applicants are submitting herewith a Terminal Disclaimer. Applicants respectfully submit that the accompanying Terminal Disclaimer is sufficient to overcome the Examiner's rejections under the judicially created doctrine of obviousness-type double patenting, and withdrawal of these rejections is therefore respectfully solicited.

There are no further rejections in the subject Office Action. It is believed that the foregoing amendment to the specification and reply are completely responsive under 35 CFR 1.111 and that all grounds of rejection are completely avoided and/or overcome. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this application.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,
DITMAR KISCHKEL, et al.

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(Date):

By: Arthur G. Seifert
ARTHUR G. SEIFERT
Registration No. 28,040
COGNIS CORPORATION
300 Brookside Avenue
Ambler, PA 19002
Telephone: (215) 628-1129
Facsimile: (215) 628-1345

AGS:tas

Enclosure: Terminal Disclaimer To Obviate A Double Patenting Rejection Over "Prior" Patents